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**TO:**  
**Mail Stop Amendment**

**FROM:**  
Kenneth F. Smolik

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**CENTRAL FAX CENTER**

**COMPANY:**  
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**DATE:**  
01-05-2006

**JAN 05 2006**

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571-273-8300

**TOTAL NO. OF PAGES:** (Including cover sheet)  
11

**US Patent Application Serial No.**  
10/021,612

**OUR REFERENCE (C/M) NO.:**  
004910.00018

**RE: USSN 10/021,612 filed 12-12-2001**  
**Entitled: Data Packet Scheduler**  
**Group Art Unit: 2663**  
**Confirmation No. 5778**

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**NAME:**  
Alma Bahena

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(312) 463-5565

**COMMENTS:**

**AMENDMENT**

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<b>TRANSMITTAL FORM</b>  <small>(to be used for all correspondence after initial filing)</small>	Application Number	10/021,612	<b>RECEIVED CENTRAL FAX CENTER JAN 05 2006</b>
	Filing Date	12/12/2001	
	First Named Inventor	Magill, et al.	
	Art Unit	2663	
	Examiner Name	Jung, Min	
Total Number of Pages in This Submission	11	Attorney Docket Number	004910.00018

ENCLOSURES (check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Fax Cover sheet
<b>Remarks</b> The Commissioner is hereby authorized to charge any fees necessary or credit any overpayment of fees to our deposit account number 19-0733.		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm	Banner & Witcoff, LTD.		
Signature	<i>Kenneth F. Smolik</i>		
Printed Name	Kenneth F. Smolik		
Date	January 5, 2006	Reg. No.	44,344

CERTIFICATE OF TRANSMISSION/MAILING			
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.			
Signature	<i>Nancy Muniz</i>		
Typed or printed name	Nancy Muniz	Date	January 5, 2006

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to be (or will be) by the USPTO to process an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**  
(Attorney Docket No. 004910.00018)

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**JAN 05 2006**

In re U.S. Patent Application of Magill, et.	)	
al.	)	
	)	
Application No. 10/021,612	)	Examiner: Jung, Min
	)	
Filed: December 12, 2001	)	Group Art Unit: 2663
	)	
For: DATA PACKET SCHEDULER	)	Confirmation No. 5778
	)	
	)	
	)	

**AMENDMENT**

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

This is in response to the non-final Office Action mailed October 5, 2005. The Examiner set a three-month period for response, thus making this response due on or before January 5, 2006. It is believed there is no fee due in connection with this filing. If a fee is due, the Office is authorized to charge such a fee to Deposit Account No. 19-0733.

Please amend this application as follows:

Amendments to the Claims are reflected in the Listing of Claims, which begins on page 2 of this paper.

Remarks/Arguments begin on page 9 of this paper.